

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
(Jackson Division)

UNITED STATES OF AMERICA,)
)
and the STATE OF MISSISSIPPI,)
)
Plaintiffs,)
)
v.)
)
THE CITY OF JACKSON, MISSISSIPPI,)
)
Defendant.)
_____)

Case No. 3:12-cv-790 TSL-RPM

JOINT MOTION FOR
ORDER FOR
CONFIDENTIALITY OF
SETTLEMENT DISCUSSIONS

Plaintiffs, the United States of America, on behalf of and including the United States Environmental Protection Agency (“United States”), the State of Mississippi, by and through the Mississippi Commission of Environmental Quality, acting through the Mississippi Department of Environmental Quality (collectively, “MDEQ”); and Defendant, the City of Jackson, Mississippi (the “City”); and together with Plaintiffs, (collectively “the Movants”), submit this Motion for a Confidentiality Order. In support of their Motion the Movants submit the following:

1. The United States has civil claims (“Federal Claims”) against the City related to the Consent Decree in *United States of America and the State of Mississippi v. City of Jackson, Mississippi*, Case No. 3:12-cv-790-TSL-RPM (USDC S.D. Miss.) (“CD”)[Docket No. 10] and the Clean Water Act (“CWA”) 33 U.S.C. § 1251, *et seq.* generally;
2. Mississippi has civil claims (“State Claims”) against the City related to the CD and the Mississippi Air and Water Pollution Control Law, Miss. Code Ann. § 49-17-1 *et*

seq. (“MAWPCL”);

3. Pursuant to Paragraph 101 of the CD, this Court has retained jurisdiction over this matter. *See*, Docket No. 10 at ¶ 101;
4. The United States and Mississippi share a close and common interest in the enforcement of the Federal Claims and State Claims and believe that meaningful enforcement discussions will require information exchanges and other communications and accordingly agree that the sharing of information by their employees, consultants, agents, and counsel will further their common enforcement goals;
5. The United States and Mississippi recognize and agree that the written and oral communications between them related to negotiations with the City, enforcement, or any other matters related to potential enforcement actions, are being made in anticipation of litigation;
6. The City is aware of the Federal and State Claims in this matter (“Subject Claims”) and wishes to avoid litigation and explore opportunities for settlement or compromise of the Subject Claims prior to the initiation of litigation;
7. The City has produced certain information to the United States as of November 1, 2021, and such information has not been shared with Mississippi;
8. The United States, Mississippi, and the City recognize that meaningful settlement negotiations will require the exchange of information and opinions, offers of settlement or compromise, and other communications among them;
9. The Movants agree that maintaining the confidentiality of Settlement Communications (as defined in the proposed Order on Confidentiality of Settlement

Discussions (“Order”) would generally facilitate the free exchange of information, the expression of unvarnished opinions, and enhance the likelihood of a successful outcome;

10. The Movants wish to provide for appropriate protection covering any privilege that could be asserted and the confidentiality of exchanges occurring during the course of such discussions;
11. The Movants request relief from the obligation to file a memorandum brief in support of this motion. *See* L. U. Civ. R. 7(b)(4).
12. The Movants have reviewed and consent to the form of the proposed Order.
13. The Movants respectfully request the Court grant their motion for a Confidentiality Order.

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Dated: Nov. 30, 2021

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